

**ENTERED**

March 14, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

LISA LAROCCA,

§

Plaintiff.

§

VS.

§

3:20-cv-134

ALVIN INDEPENDENT SCHOOL  
DISTRICT,

§

Defendant.

§

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On June 23, 2023, all pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 54. Judge Edison filed a memorandum and recommendation on February 28, 2024, recommending that Alvin Independent School District's Motion to Dismiss Plaintiff's Second Amended Complaint Pursuant to Rule 12(b)(1) & (6) (Dkt. 51) be denied. *See* Dkt. 62.

On March 13, 2024, Alvin Independent School District filed its objections to the memorandum and recommendation. *See* Dkt. 67. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the

findings or recommendations made by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison's memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison's memorandum and recommendation (Dkt. 62) is approved and adopted in its entirety as the holding of the court; and
- (2) Alvin Independent School District's Motion to Dismiss Plaintiff's Second Amended Complaint Pursuant to Rule 12(b)(1) & 6 (Dkt. 51) is denied.

Signed on Galveston Island this 14th day of March, 2024.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE